

Notice of Allowability

Application No.

09/674,201

Examiner

Eric Hug

Applicant(s)

HALLSTROM ET AL.

Art Unit

1731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on July 28, 2006.
2. ☒ The allowed claim(s) is/are 46,47,53 and 55-57.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Response to Amendment

The following is in response to the amendment filed on July 28, 2006.

Allowable Subject Matter

Claims 46, 47, 53, and 55-57 are allowed.

The following is an examiner's statement of reasons for allowance:

The prior art does not disclose or suggest a vinyl addition polymer prepared from a monomer mixture comprising (a) at least one non-ionic monomer having a non-aromatic hydrophobic group selected from the group consisting of N-n-propyl (meth)acrylamide and N-isopropyl (meth)acrylamide, (b) at least one cationic monomer of the type selected from the groups given by claimed formula (I) or (III), and (c) from 75 to 95 mole% (meth)acrylamide.

Bock (US 4,831,092) discloses a terpolymer that represents the closest prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

Applicant's arguments filed July 28, 2006 have been fully considered.

The rejection of claims under 35 U.S.C. 103(a) over Bock (US 4,831,092) set forth previously has been withdrawn.

Bock does not disclose the claimed N-n-propyl (meth) acrylamide or N-isopropyl (meth) acrylamide for the non-ionic monomer having a non-aromatic hydrophobic group. The present arguments concern the non-obviousness of the N-n-propyl and N-isopropyl (meth) acrylamide over the disclosure of two C4-C22 hydrophobic groups by Bock. These arguments are found persuasive particularly in further view of the instant specification, page 5, lines 24-36, wherein it is disclosed that the total number of carbon atoms of the groups R₈ and R₉ is notably 3 to 6. In Bock, the analogous groups R₁ and R₂ are C4-C22 alkyl groups, thus the total number of carbon atoms in those groups is at least eight carbon (if two C4 groups are used). Furthermore, as pointed out by Applicant, Bock exemplifies preferably having a higher number of carbon atoms. It is also noted that the present invention limits these groups to being non-aromatic groups, whereas in Bock these groups may be aromatic groups.

Regarding claims 56 and 57, Bock does not disclose the hydroxy propylene group in the B position of the claimed cationic monomer of general formula (I) or (III), as incorrectly indicated previously.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Hug whose telephone number is 571 272-1192.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



jeh